

215263

STATE OF SOUTH CAROLINA

(Caption of Case)

Happy Rabbit, LP on behalf of Windridge
Townhomes,
Complainant,

v.

Alpine Utilities, Inc.,
Defendant.

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2008 - 360 - S

(Please type or print)

Submitted by: Benjamin P. Mustian, Esquire

Address: Post Office Box 8416

Columbia, SC 29202

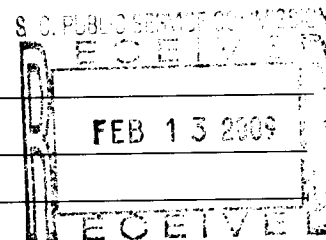
SC Bar Number: 68269

Telephone: 252-3300

Fax: 771-2410

Other:

Email: bmustian@willoughbyhoefer.com



NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other:

INDUSTRY (Check one)

- ☐ Electric
- ☐ Electric/Gas
- ☐ Electric/Telecommunications
- ☐ Electric/Water
- ☐ Electric/Water/Telecom.
- ☐ Electric/Water/Sewer
- ☐ Gas
- ☐ Railroad
- ☒ Sewer
- ☐ Telecommunications
- ☐ Transportation
- ☐ Water
- ☐ Water/Sewer
- ☐ Administrative Matter
- ☐ Other: _____

NATURE OF ACTION (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Affidavit | <input type="checkbox"/> Letter | <input type="checkbox"/> Request |
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer | <input type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input checked="" type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |

Print Form

Reset Form

WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

930 RICHLAND STREET

P.O. BOX 8416

COLUMBIA, SOUTH CAROLINA 29202-8416

MITCHELL M. WILLOUGHBY
JOHN M.S. HOEFER
RANDOLPH R. LOWELL
ELIZABETH ZECK*
BENJAMIN P. MUSTIAN
MICHAEL R. BURCHSTEAD
ANDREW J. MACLEOD

AREA CODE 803
TELEPHONE 252-3300
TELECOPIER 256-8062

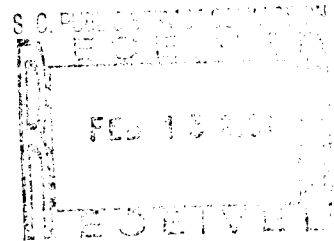
TRACEY C. GREEN
SPECIAL COUNSEL

*ALSO ADMITTED IN TX

February 6, 2009

VIA HAND-DELIVERY

The Honorable Charles L.A. Terreni
Chief Clerk / Administrator
Public Service Commission of South Carolina
Post Office Box 11649
Columbia, South Carolina 29211



RE: Happy Rabbit, LP on behalf of Windridge Townhomes v. Alpine Utilities, Inc.;
Docket No. 2008-360-S

Dear Mr. Terreni:

Enclosed for filing on behalf of Alpine Utilities, Inc. are two (2) copies of the Second Set of Interrogatories and Second Set of Requests for Production in the above-referenced matter. By copy of this letter, I am serving a copy of these documents upon the parties of record to this proceeding and enclose a Certificate of Service to that effect.

I would appreciate your acknowledging receipt of these documents by date-stamping the extra copies that are enclosed and returning the same to me via the enclosed envelope.

If you have any questions, or if you need any additional information, please do not hesitate to contact me.

Sincerely,

WILLOUGHBY & HOEFER, P.A.

Clark Fancher

Clark Fancher
Administrative Assistant

/cf
Enclosures

WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

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TRACEY C. GREEN
SPECIAL COUNSEL

*ALSO ADMITTED IN TX

February 6, 2009

VIA HAND DELIVERY

Richard L. Whitt, Esquire

Austin & Rogers, P.A.

508 Hampton Street, Suite 300

Columbia, SC 29211

RE: Happy Rabbit, LP on Behalf of Windridge Townhomes, Complainant, v Alpine
Utilities, Incorporated, Respondent; Docket No. 2008-360-S

Dear Mr. Whitt:

Enclosed please find Alpine Utilities, Inc.'s Second Set of Interrogatories and Second Set of Requests to Produce to Happy Rabbit, LP in the above-referenced docket. Pursuant to 26 S.C. Code Ann. Regs. R.103-833, I am simultaneously herewith filing a copy of these discovery requests with the Public Service Commission of South Carolina.

If you have any questions, or need any additional information, please do not hesitate to contact me. With best regards, I am

Sincerely,

Willoughby & Hoefer, P.A.



Benjamin P. Mustian

BPM/cf
Enclosures

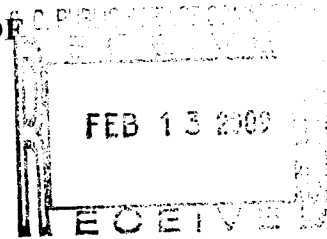
cc: The Honorable Charles L. A. Terreni
Nanette S. Edwards, Esquire

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2008-360-S



IN RE:)
)
Happy Rabbit, LP on behalf of Windridge,)
Townhomes,)
)
Complainant)
)
v.)
)
Alpine Utilities, Inc.,)
)
Defendant.)
_____)

**DEFENDANT'S SECOND SET OF
INTERROGATORIES**

TO: Complainant Happy Rabbit, a South Carolina Limited Partnership, hereinafter referred to as "Complainant Happy Rabbit" or "Complainant", and its attorney of record, Richard L. Whitt, Esq.

Defendant Alpine Utilities, Inc., through undersigned counsel, hereby requires the above-named Complainant to answer under oath the Interrogatories hereinafter set forth within twenty (20) days after the service thereof in accordance with 26 S.C. Code Ann. 103-833.B (Supp. 2008) and Commission rules and regulations. These interrogatories shall be deemed continuing, and if complete answers to any of them are not presently available, and the information becomes available before trial, supplemental answers are required at such time as this information becomes available.

INSTRUCTIONS

IT IS HEREIN REQUESTED:

1. That all information shall be provided to the undersigned in the format as requested.
2. That all responses to the below Interrogatories shall be labeled using the same numbers as used herein.
3. That if the requested information is found in other places or in other exhibits, reference not be made to those, but, instead, that the information be reproduced and placed in the responses to these Interrogatories in the appropriate sequence.
4. That any inquiries or communication relating to questions concerning clarifications of the data requested below be directed to the undersigned.
5. That all exhibits be reduced to an 8½" x 11" format.
6. That each Interrogatory be reproduced at the beginning of the response thereto.
7. That Complainant provide the undersigned with responses to these Interrogatories as soon as possible but **not later than twenty (20) days from the date of service hereof**.
8. If the response to any Interrogatory is that the information requested is not currently available, state when the information requested will become available.
9. These Interrogatories shall be deemed continuing so as to require Complainant to supplement or amend their responses as any additional information becomes available up to and through the date of trial.
10. If a privilege not to answer an Interrogatory is claimed, identify each matter as to which the privilege is claimed, the nature of the privilege, and the legal and factual basis for each such claim.
11. If a refusal to answer an Interrogatory is based on the grounds that same would be unduly burdensome, identify the number and nature of documents needed to be searched, the location of the documents, and the number of hours and costs required to conduct the search.
12. Answer each Interrogatory on the basis of the entire knowledge of Complainant, including information in the possession of Complainant or its consultants, representatives, agents, experts, and attorneys, if any.

13. If any Interrogatory cannot be answered in full, answer to the extent possible and specify the reasons for Complainant's inability to answer.

DEFINITIONS

As used herein, the following terms shall have the meaning and be interpreted as set forth below:

1. "You" or "your" shall refer to Complainant, its successors, assigns, representatives, partners, agents, consultants, experts, and attorneys, if any.

2. "Complainant" shall refer to Complainant Happy Rabbit, a South Carolina limited partnership, whether or not on behalf of Windridge Townhomes, and includes its successors, assigns, representatives, partners, agents, consultants, experts, and attorneys, if any.

3. "Windridge Townhomes" shall refer to the duplexes, neighborhood, subdivision or other development located in the 3300 Block of Kay Street, Columbia, Richland County, South Carolina.

4. The conjunctions "and" and "or" shall be interpreted in each and every instance as meaning "and/or" and shall in neither instance be interpreted disjunctively to exclude any document or information otherwise within the scope of any description or request made herein.

5. "Document" shall mean all originals of any nature whatsoever, identical copies and all non-identical copies thereof, pertaining to any medium upon which intelligence or information is recorded in your possession, custody or control, or other tangible objects regardless of where located; including, without limiting the generality of the foregoing, punch cards, print-out sheets, movie film, slides, photographs, records, microfilm, notes, letters, memoranda, ledgers, worksheets, books, magazines, notebooks, diaries, calendars, appointment book registers, charts, cables, papers, agreements, contracts, purchase orders, acknowledgments, invoices, authorizations, budgets, analyses, projections, transcripts, minutes of meetings of any kind, correspondence, telegrams, drafts, data processing disks or tapes, or computer-produced interpretations thereof, instructions, announcements, schedules, and price list. In all cases where originals and/or non-identical copies are not available, "document" also means identical copies of original documents and copies of non-identical copies.

6. "Identify" or "identity" used with reference to an individual means to state his or her full name, present or last known address, present or last known position and business affiliation, and employer, title, and position at the time in question.

7. "Identify" or "identity" used with reference to a writing means to state the date, author, type of document (e.g. letter, memorandum, telegram, chart, note, application, etc.) or other

means of identification, and its present location or custodian. If any such document is no longer in Complainant's possession or subject to their control, state what disposition was made of it.

8. "Address" means home address, mailing address, school address, and business address.

9. All references to the singular contained herein shall be deemed to include the appropriate plural number and all references to the plural shall be deemed to include the singular. All references to the masculine gender contained herein shall be deemed to include the appropriate feminine and neuter genders.

INTERROGATORIES

1. List, state or identify the names and addresses of any and all tenants or potential tenants of Windridge Townhomes whom Happy Rabbit, Carolyn D. Cook, or James C. Cook informed would be required to establish a customer account with Alpine Utilities, Inc.

2. Set forth a list of documents or other communications from Happy Rabbit, Carolyn D. Cook, James C. Cook or Windridge Townhomes mailed, sent or otherwise provided to to the tenants or potential tenants of Windridge Townhomes which discuss, mention or reference sewer service or Alpine Utilities, Inc.

Respectfully submitted,

By:



John M.S. Hoefer, Esquire
Benjamin P. Mustian, Esquire
Willoughby & Hoefer, P.A.
P.O. Box 8416
Columbia, SC 29202-8416
(803) 252-3300

Attorneys for Defendant Alpine
Utilities, Inc.

Columbia, South Carolina
February 6, 2009

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-360-S

IN RE:)	
)	
Happy Rabbit, LP on behalf of Windridge,)	
Townhomes,)	
)	
Complainant)	DEFENDANT'S SECOND SET OF
)	REQUESTS FOR PRODUCTION
)	
v.)	
)	
Alpine Utilities, Inc.,)	
)	
Defendant.)	
_____)	

TO: Complainant Happy Rabbit, LP on behalf of Windridge Townhomes, hereinafter referred to as “Complainant Happy Rabbit” or “Complainant”, and its attorney of record, Richard L. Whitt, Esq.

Defendant, pursuant to 26 S.C. Code Ann. Regs. R. 103-833.C (Supp. 2008) and the rules and regulations of the Public Service Commission of South Carolina (“Commission”), hereby serves Complainant Happy Rabbit with the following Request For Production (“Request”) and requests that Complainant produce within twenty (20) days after service of this Request, at the offices of Defendant’s counsel Willoughby & Hoefer, P.A., 930 Richland Street, Columbia, South Carolina 29202, each and every document requested herein, for inspection and copying of said documents by Complainant. IF YOU CONTEND THAT ANY OF THE REQUESTED MATERIAL NEED NOT BE PRODUCED, IDENTIFY SUCH MATERIAL AND SET FORTH THE BASIS FOR YOUR

CONTENTION IN ACCORDANCE WITH 26 S.C. CODE ANN. REGS. R. 103-833.C (SUPP. 2008) AND THE RULES AND REGULATIONS OF THE COMMISSION.

INSTRUCTIONS

IT IS HEREIN REQUESTED:

1. That all information shall be provided to the undersigned in the format as requested.
2. That if the requested information is found in other places or in other exhibits, reference not be made to those, but, instead, that the information be reproduced and placed in the responses to this Request in the appropriate sequence.
3. That any inquiries or communication relating to questions concerning clarifications of the data requested below be directed to the undersigned.
4. That all exhibits be reduced to an 8½" x 11" format.
5. That each Request be reproduced at the beginning of the response thereto.
6. That Complainant provide the undersigned with responses to this Request as soon as possible but **not later than twenty (20) days from the date of service hereof**.
7. If the response to any Request is that the information requested is not currently available, state when the information requested will become available.
8. This Request shall be deemed continuing so as to require Complainant to supplement or amend its responses as any additional information becomes available up to and through the hearing of the case.
9. If a privilege not to answer is claimed, identify each matter as to which the privilege is claimed, the nature of the privilege, and the legal and factual basis for each such claim.
10. If a refusal to respond to a Request is based on the grounds that same would be unduly burdensome, identify the number and nature of documents needed to be searched, the location of the documents, and the number of hours and costs required to conduct the search.
11. Answer each Request on the basis of the entire knowledge of Complainant, including information in the possession of Plaintiff or its consultants, representatives, agents, experts, and attorneys, if any.
12. If any Request cannot be answered in full, answer to the extent possible and specify the reasons for Complainants' inability to answer.

DEFINITIONS

As used herein, the following terms shall have the meaning and be interpreted as set forth below:

1. “You” or “your” shall refer to Complainant and includes its successors, assigns, representatives, partners, agents, consultants, experts, and attorneys, if any.
2. “Complainant” shall refer to Complainant Happy Rabbit, a South Carolina limited partnership, whether or not on behalf of Windridge Townhomes, and includes its successors, assigns, representatives, partners, agents, consultants, experts, and attorneys, if any.
3. “Windridge Townhomes” shall refer to the duplexes, neighborhood, subdivision or other development located in the 3300 Block of Kay Street, Columbia, Richland County, South Carolina.
4. The conjunctions “and” and “or” shall be interpreted in each and every instance as meaning “and/or” and shall in neither instance be interpreted disjunctively to exclude any document or information otherwise within the scope of any description or request made herein.
5. “Document” shall mean all originals of any nature whatsoever, identical copies and all non-identical copies thereof, pertaining to any medium upon which intelligence or information is recorded in your possession, custody or control, or other tangible objects regardless of where located; including, without limiting the generality of the foregoing, punch cards, print-out sheets, movie film, slides, photographs, records, microfilm, notes, letters, memoranda, ledgers, worksheets, books, magazines, notebooks, diaries, calendars, appointment book registers, charts, cables, papers, agreements, contracts, purchase orders, acknowledgments, invoices, authorizations, budgets, analyses, projections, transcripts, minutes of meetings of any kind, correspondence, telegrams, drafts, data processing disks or tapes, or computer-produced interpretations thereof, instructions, announcements, schedules, and price list. In all cases where originals and/or non-identical copies are not available, “document” also means identical copies of original documents and copies of non-identical copies.
6. All references to the singular contained herein shall be deemed to include the appropriate plural number and all references to the plural shall be deemed to include the singular. All references to the masculine gender contained herein shall be deemed to include the appropriate feminine and neuter genders.

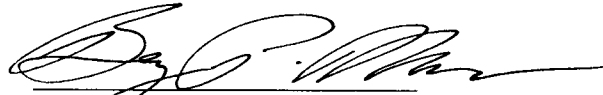
REQUEST FOR PRODUCTION

1. Any document relied upon in preparing responses and/or answers to Defendant’s Second Set of Interrogatories to Complainant Happy Rabbit and, in addition, any document that supports or is identified in responses or answers to Defendant’s Second Set of Interrogatories to Complainant Happy Rabbit.

2. Copies of all letters, memos, notes, e-mails, reports, applications, filings, deeds or contracts including drafts, and all correspondence and other documents from Happy Rabbit, Carolyn D. Cook, James C. Cook or Windridge Townhomes mailed, delivered or otherwise provided to the tenants or potential tenants of Windridge Townhomes which discuss, mention or reference sewer service or Alpine Utilities, Inc.

Respectfully submitted,

By:



John M.S. Hoefer, Esquire

Benjamin P. Mustian, Esquire

Willoughby & Hoefer, P.A.

P.O. Box 8416

Columbia, SC 29202-8416

(803) 252-3300

Attorneys for Defendant Alpine

Utilities, Inc.

Columbia, South Carolina
February 6, 2009

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
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DOCKET NO. 2008-360-S**

Happy Rabbit, LP on behalf of Windridge,)
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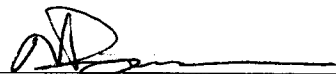
CERTIFICATE OF SERVICE

This is to certify that I have caused to be served this day one (1) copy of **Defendant's Second Set of Interrogatories to Complainant and Defendant's Second Set of Requests for Production to Complainant** via hand delivery to the address below:

Richard L. Whitt, Esquire
Austin & Rogers, P.A.
508 Hampton Street, Suite 300
Columbia, SC 29211

I further certify that I have caused to be served one (1) copy of the above-referenced documents by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Nanette S. Edwards, Esquire
Office of Regulatory Staff
Post Office Box 11263
Columbia, South Carolina 29211



Nathan Dawson

Columbia, South Carolina
This 6th day of February, 2009.